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REMARKS

This Response is offered in reply to Office Action mailed Jan. 11, 2002. A petition and fee for a one month time extension are enclosed.

Applicants have amended pages 8 and 9 of the specification to correct informalities. Approval of the amendments is requested.

In paragraph 4 of the office action, claims 1 and 4 are rejected under 35 USC 102(e) in view of the '242 patent.

Applicants believe pending claim 1 as amended distinguish over the '242 patent. Claim 4 has been cancelled without prejudice. In particular, the '242 patent employs lookup tables of Figures 4 and 5 for controlling the electromagnetic transfer clutch 42 that controls the proportion of torque transmitted to the front wheels 10 relative to the rear wheels 12 in response to the duty cycle selected from the lookup tables.

In contrast, Applicants' claim 1 recites, in combination with the other steps recited, controlling torque output of one of an engine and transmission of a vehicle when the vehicle is in the 4X4 mode using a calibration table stored in system memory and indicating a relationship of torque output as a function of accelerator pedal position and a speed parameter for reducing sensitivity of the torque output to accelerator pedal position in the 4X4 mode of operation.

The '242 patent fails to disclose Applicants' claim 1 wherein torque output of one of an engine and transmission of a vehicle is controlled when the vehicle is in the 4X4 mode using a calibration table stored in system memory and indicating a relationship of torque output as a function of accelerator pedal position and a speed parameter for reducing sensitivity of the torque output to accelerator pedal position in the 4X4 mode of operation. Moreover, the '242 patent mentions nothing whatsoever regarding controlling

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torque output in the manner recited in Applicants' claim 1 to reduce sensitivity of the torque output to accelerator pedal position in the 4X4 mode of operation.

Reconsideration of the Section 102(e) rejection of claim 1 is requested.

In paragraph 5 of the office action, claim 7 is rejected under 35 USC 102(e) in view of the '022 patent.

Applicants believe pending claim 7 as amended distinguishes over the '022 patent, which is as deficient as the '242 patent discussed above. In particular, the '022 patent controls a solenoid-operated transfer clutch 52 in an On-Demand drive mode to control the proportion of drive torque transmitted to the front wheels 20 relative to the rear wheels 30 mode as determined by a duty cycle as expressly described at column 2, last two lines through column 3, lines 1-3; column 5, lines 47-55; column 11, last four lines to column 12, lines 1-19 and columns 13-14. A Part-Time four wheel drive mode can be selected wherein a mode clutch 195 directly couples the rear wheels and front wheels as described at column 9, lines 3-11.

However, the '022 patent fails to disclose Applicants' claim 1 wherein torque output of one of an engine and transmission of a vehicle is controlled when the vehicle is in the 4X4 mode using a calibration table stored in system memory and indicating a relationship of torque output as a function of accelerator pedal position and a speed parameter for reducing sensitivity of the torque output to accelerator pedal position in the 4X4 mode of operation. The '022 patent mentions nothing whatsoever regarding controlling torque output in the manner recited in Applicants' claim 1 to reduce sensitivity of the torque output to accelerator pedal position in the 4X4 mode of operation.

Reconsideration of the Section 102(e) rejection of claim 7 is requested.

In paragraph 7 of the office action, claims 2-3 and 6 are rejected under 35 USC 103(a) in view of the '242 patent taken with the '022 patent.

With respect to claim 2, the examiner acknowledges that the '242 patent is deficient with respect to the recited calibration table. The examiner cites the '022 patent to make up for this deficiency. However, the examiner cites portions of the '022 patent that relate to the On-demand drive mode where the solenoid-actuated transfer clutch 52 is controlled to control the proportion of drive torque transmitted to the front wheels 20 relative to the rear wheels 30 mode as determined by a duty cycle. The '022 patent discloses nothing about a calibration table for a 4X4 mode of operation as recited in claim 2. Neither cited patent discloses or suggests the features of claims 3 and 6 in context of controlling torque output as recited in Applicants' claim 1.

Reconsideration of the rejection of claims 2-3 and 6 is requested.

In paragraph 8 of the office action, claim 5 is rejected under 35 USC 103(a) in view of the '242 patent taken with the '533 patent.

The gross deficiencies of the '242 patent are discussed above. The '533 patent does not make up for these deficiencies of the '242 patent. The '533 patent does not even relate to a vehicle having a 4X4 mode of operation and is not believed to be properly combinable with the '242 patent as proposed by the examiner. The '355 patent attempts to address problems associated with a so-called garage shift maneuver, which is unrelated to a 4X4 mode of operation of a vehicle.

Reconsideration of the rejection of claim 5 is requested.

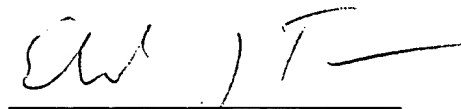
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In paragraph 9 of the office action, claims 8-10 and 11-12 are rejected based on the same rationales as used in the preceding claim rejections set forth in the office action. The rejections are believed incorrect for the reasons discussed above as a result.

Reconsideration of the rejections of claims 8-10 and 11-12 is requested.

Allowance of pending claims 1-12 is requested.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this correspondence and enclosures are being deposited with the United States Postal Service under 37 CFR 1.8 as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on May 13, 2002.



Edward J. Timmer